

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

ABINGDON DIVISION

EARL F. COLE,

Plaintiff

v.

Case No. 1:07C000001

BUCHANAN COUNTY SCHOOL BOARD

MOTION FOR AWARD OF ATTORNEY FEES AND COSTS

Earl F. Cole, by counsel, respectfully moves pursuant to F.R.C.P. 24(d) for entry of an order awarding attorney fees and costs, stating as follows:

1. Plaintiff brought this action for relief under 42 U.S.C. § 1983. Plaintiff recovered a jury verdict and judgment against the Defendant for the amount of \$200,000.00 and the injunctive relief prayed for. Plaintiff has substantially prevailed in his claims.
2. Plaintiff is entitled to recover reasonable attorney fees and costs pursuant to 42 U.S.C. § 1988.
3. Attached hereto as Exhibit 1 is a statement of the costs expended.
4. Attached hereto as Exhibit 2 is a statement of the services provided by counsel. Michael A. Bragg has expended 153.20 hours in the case and associate trial counsel Ed Matney expended 25 hours.
5. The customary hourly rate for Michael A. Bragg is \$150.00 per hour, and that of Ed Matney is \$125.00 per hour.

Respectfully Submitted,

EARL F. COLE

BY COUNSEL

Michael A. Bragg
Bragg Law, PLC
P. O. Box 1866
Abingdon, Virginia 24212
276-628-9160

CERTIFICATE

I hereby certify that this 22nd day of October, 2009, I uploaded this Amended Complaint to be filed electronically by the Clerk's ECF system and to be served electronically on Jim Guynn, Jr., Esq., and Thomas Scott, counsel for defendants.

Michael A. Bragg

EXHIBIT A
BILL OF COSTS

Clerk, U. S. District Court	Filing Fee	\$355.00
Judy C. Ryder, Court Reporter	Depositions	\$827.00

EXHIBIT B

SUMMARY OF ATTORNEY WORK DONE

Date	Service	Time	Attorney
4.27/07	conference Earl Cole; review pleadings	1.00	MB
5/3/07	legal research	3.00	MB
5/21/07	Hearing on Mr. Copelands Motion to Dismiss ; preparation for hearing-	2.50	MB
6/6/08	review file; legal research	2.00	MB
6/7/07	draft amended complaint	2.50	MB
6/28/07	review motion to dismiss and brief; draft e-mail to client	1.20	MB
7/11/07	legal research	3.50	MB
8/7/07	Motion To Dismiss Oral Argument; legal research, preparation for hearing	3.00	MB
8/21/07	review opinion	0.50	MB
9/26/07	review motion for summary judgment; affidavits; brief	2.00	MB
10/15/07	draft affidavit; conference client	3.00	MB
10/29/07	draft discovery	1.00	MB
12/7/07	preparation for depositions; to Grundy; depositions	7.00	MB
12/6/07	conference Earl	1.00	MB
11/15/07	hearing Motion SJ	2.00	MB
11/14/07	legal research; preparation for hearing	2.50	MB

1/2/08	review opinion denying motion for summary judgment; begin reviewing file for trial preparation	2.50	MB
1/3/08	review witness and exhibit list; review depositions	2.00	MB
1/4/08	review motion for reconsideration	0.80	MB
1/7/08	review order denying reconsideration; review notice of appeal; call to Earl; call to Mr. Guynn	0.80	MB
2/20/08	mediation conference call	2.00	MB
7/10/08	review appellants' brief	2.0	MB
8/8/08	legal research; begin draft of brief	5.40	MB
8/11/08	finalize draft of brief	6.50	MB
3/24/09	prepare for argument; travel to Richmond	8.50	MB
3/25/09	Oral Argument 4th Circuit; travel home	8.00	MB
May 20, 2009	legal research; begin draft of petition for rehearing	4.60	MB
5/21/09	continue research; draft of petition	6.40	MB
5/22/09	complete petition	5.00	MB
8/27/09	review Motion for Summary Judgment; brief	1.0	MB
8/30/09	legal research	3.5	MB
8/31/09	draft brief	2.5	MB
9/28/09	review file; begin trial prep	2.5	MB
9/29/09	review witness and exhibit list	0.5	MB

9/30/09	file designation of witnesses and exhibits	0.5	MB
10/1/09	review opinion Sovereign Immunity; conference client	1.2	MB
10/6/09	review proposed jury instructions	0.8	MB
10/9/09	trial prep	9.50	MB
10/9/09	conference; trial prep	3.0	EM
10/12/09	trial prep	10.00	MB
1/12/09	trial prep	4.5	EM
10/13/09	trial prep; trial (day 1)	11.00	MB
10/13/09	trial	6.0	EM
10/14/09	trial prep; trial (day 2)	10.5	MB
10/14/09	trial	7.0	EM
10/15/09	prep of closing argument; trial	7.5	MB
10/15/09	trial	4.5	EM

178.20

TOTAL FOR MICHAEL A. BRAGG 153.20

TOTOL FOR ED MATNEY 25.00

Verified under penalty of perjury this 22nd day of October, 2009.

Michael A. Bragg /s/